

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ERIC FERNANDO REYES, #15728-078      §  
VS.      §      CIVIL ACTION NO. 6:10cv499  
UNITED STATES OF AMERICA      §      CRIM. NO. 6:09CR00018-006

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that Reyes' motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 should be denied. Reyes has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Reyes to the Report, along with the § 2255 motion and attached affidavit, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections by Reyes are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the United States' motion to dismiss (docket entry #5) is **GRANTED**.  
It is further

**ORDERED** that Reyes' motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED** with prejudice. It is further

**ORDERED** that a certificate of appealability is **DENIED**. It is finally

**ORDERED** that all motions not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED** this 10th day of January, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**